

Remarks

The Examiner has rejected claims 1-6, 8-13, 15, 17-20, 22 and 24-26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,450,655 to Walck et al. ("Walck et al."). In addition, the Examiner has rejected claims 7, 14, 16, 21, and 23 under U.S.C. §103(a) as being unpatentable over Walck et al. in view of U.S. Patent No. 5,386,817 to Jones ("Jones").

In this amendment, Applicants have amended claims 1, 8, and 17. No new matter has been added.

Claims 1-26 are currently pending. In view of the amendments and the following remarks, Applicants respectfully request withdrawal of the rejections to claims 1-26.

A. Rejections to Claims 1-6, 8-13, 15, 17-20, 22 and 24-26 under 35 U.S.C. § 102(e):

Claims 1-6, 8-13, 15, 17-20, 22, and 24-26 were rejected under 35 U.S.C. §102 (e) as being anticipated by Walck et al.

Walck et al. describes an illuminating and viewing unit for illuminating the interior of a vessel in which one or more illumination ports are individually fused within a radiation non-transmitting front wall of the housing that faces the vessel interior. See, column 3, lines 35-40 and Fig. 1.

Applicants have amended independent claims 1, 8, and 17 to recite an interior of a vessel and a mounting member that includes a passage extending through the mounting member that is "in fluid communication with the interior of the vessel". Support for this amendment is found throughout the original specification, for example, at paragraph [0025] and Figs. 2 and 3, where passage 32 is clearly shown as extending through mounting member 22 so as to be in fluid communication with the interior of the vessel.

Though the Examiner asserts that Walck describes a passage through the mounting member that is "optically" in communication with the interior of the vessel, Applicants respectfully submit that the passage through the mounting member is not in "fluid communication" with the interior of the vessel. The front wall 22 of housing 12 in Walck et al. seals the interior of the housing from the vessel interior. Note that front wall 22 has illumination ports 20 and detection port 24, each of the ports being made of a material that is fused to the

front wall 22 “to maintain a hermetic seal between the interior of vessel 2 and the interior of housing 12.” See, column 4, lines 48-56; column 6, lines 8-12; and Figs. 1 and 2. Because of the hermetic seal, there can be no fluid communication between the passage and the interior of the vessel, and the passage within housing 12 cannot be “in fluid communication with the interior of the vessel” as recited in each of independent claims 1, 8, and 17.

Accordingly, withdrawal of the rejections to claims 1, 8, and 17 and to dependent claims 2-6, 9-13, 15, 18-20, 22 and 24-26 is respectfully requested.

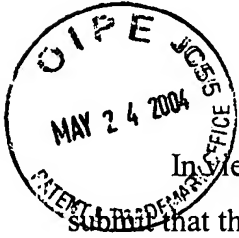
C. Rejections to Claims 6, 7, 14, 16, 21, and 23 under 35 U.S.C. § 103(a):

Claims 7, 14, 16, 21, and 23 were rejected under U.S.C. §103(a) as being unpatentable over Walck et al. in combination with Jones et al. Each of those claims depend from one of independent claims 1, 8, and 17, and each include the feature of a mounting element including a passage in communication with the interior of the vessel that was discussed in the preceding sections.

Jones et al. describes a protective covering for a medical instrument such as an endoscope that includes an elongated hollow sheath having a wall of flexible material.

Applicants respectfully submit that the combination of Walck et al. and Jones et al. does not teach or suggest the claimed feature of a passage in fluid communication with the interior of the vessel. On the contrary, Walck et al. actually teaches away from the claimed feature by describing a passage within housing 12 that is “hermetically” sealed off from the vessel interior. Moreover, Jones et al. is only remotely related to the claims of the present invention and likewise provides no teaching or suggestion for the missing feature.

Accordingly, withdrawal of the rejections to claims 6, 7, 14, 16, 21, and 23 is respectfully requested.




CONCLUSION

In view of the amendments made and arguments presented, Applicants respectfully submit that the presently pending claims are in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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